

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/01/2017	Item No: 5.5
Report Originator	Amy Prince Development Officer	Application No: KET/2016/0712
Wards Affected	Desborough St. Giles	
Location	115 Dunkirk Avenue, Desborough	
Proposal	Full Application: Demolition of garage. Erection of two bedroom dwelling with garages and associated parking for the new dwelling and 115 Dunkirk Avenue	
Applicant	Mr D Nolan	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers S01 received 10/10/16, SK01-D, SK02-C, SK03-E, SK04-C, SK05-C, SK06-C, SK07-C, SK08-C, SK09B received on 15/12/16.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Due to the previous potentially contaminative use of the site and the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not

commence until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 (or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and Policy 6 of the North Northamptonshire Joint Core Strategy.

4. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the commencement of the development hereby permitted, details of the parking surface material and details of positive means of drainage to ensure that surface water from the vehicular parking area does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be implemented prior to first use and maintained at all times.

REASON: To ensure a satisfactory development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The gradient of the drive shall not exceed 1 in 15 within the first 5m metres of the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D, E of Part 1 of Schedule 2 of the Order shall be made on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The window at first floor level on the south facing elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

Officers Report for KET/2016/0712

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

PRE/2016/0092 - 1 no. Dwelling – Advice given.

Site Description

The Officer's site inspection was carried out on 21/10/2016.

The application site is located within the central south-west of Desborough within the designated town boundary. The site is a corner plot on the junction of Dunkirk Avenue and Princes Avenue which contains a two storey residential dwelling which is finished with a cream textured render and red brick banding around the bottom 1m of the elevations. The dwelling is dual fronted with two projecting gable ended elements at 90° degrees to each, one fronting Princes Avenue and the other Dunkirk Avenue, the front door is located in the centre of these projecting gables facing the corner junction. The site has a detached single garage located at the bottom of the garden which is accessed off Princes Avenue and a further parking space within an area of hard standing alongside the house also accessed off Princes Avenue. The rear garden forms around this area of hard standing and detached garage and has a 2m close boarded fence as a boundary.

An private driveway runs alongside the rear boundary which serves a detached bungalow (No.39 Princes Avenue).

Proposed Development

This application seeks planning permission for the subdivision of the plot and erection of a 2 storey 2 bed residential dwelling in place of the existing detached garage. The scheme proposes off-road parking associated with both No. 115 and the new dwelling.

Through the application process revised plans have been submitted, these have provided amendments to the design of the new unit and the omission of originally proposed new garaging.

Any Constraints Affecting the Site

None

4.0 Consultation and Customer Impact

It is noted below whether comments are provided on the original or revised plans.

Desborough Town Council

Original Plans

Object - Believe proposal is overdevelopment of the site and the design is out of character with the local area.

Potential for adding additional on street parking issues. No provision for recycling bins.

Revised Plans

No additional comments received at the time of writing this report, any additional comments received will form part of the Committee Update.

Local Highway Authority

Original Plans

Object – In regard to parking provision and proximity of the structure to the highway.

Revised Plans

No objection subject to conditions in regard to site layout being in accordance with plans; positive drainage of water away from highway; hard bound surfaces for driveways and measure to ensure mud and loose material do not migrate onto the highway.

Environmental Health

Original Plans

No objection. Subject to the standard informatives/conditions regarding working hours and land affected by contamination;

Environmental Care

No comments received.

Neighbours

Notification letters were sent out to neighbours in close proximity and a site notice was erected at the site; the following responses were received:

Original Plans

Objections received from : 122 Dunkirk Avenue
39 Princes Avenue

Issues raised:

- Restriction of visibility for vehicles exiting No.39 Princes Avenue.
- Concern regarding adequate parking and pedestrian safety.
- Avenue incorrectly shown as Princes Street on plan.
- Bin access through garage will mean garage not used or bins left at the front.
- Concern regarding blocking of the access to 39 Princes Avenue during construction.
- Construction should be limited to weekdays and Saturday morning only.

Revised plans

No additional comments received at the time of writing this report any additional comments received will form part of the Committee Update.

5.0 Planning Policy

National Planning Policy Framework

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Policy 6 – Delivering a wide choice of high quality housing

Policy 7 – Requiring Good Design

Policy 8 – Promoting Healthy Communities

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1 Presumption in favour of Sustainable Development

Policy 6 Development on Brownfield Land & Land affected by contamination

Policy 8 North Northamptonshire Place Shaping Principles

Policy 11 Network of Urban and Rural Areas

Policy 29 Distribution of new homes

Policy 30 Housing Mix and Tenure

Local Plan

Policy 35 – Housing with Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design & Visual Impact
3. Residential Amenity
4. Access & Parking
5. Other Matters

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently consists of the North Northamptonshire Joint Core Strategy (JCS) adopted in July 2016, and saved policies from the Local Plan for Kettering Borough.

Policy 6 of the National Planning Policy Framework (NPPF), Policy 11 and 29 of the North Northamptonshire Joint Core Strategy and Saved Policy 35 of the Local Plan for Kettering Borough require new development to be focused within designated settlement boundaries unless rural exceptions apply. The application site is located within the designated settlement boundary of Desborough where development is considered appropriate subject to

compliance with all other relevant policies.

Policy 29 of the Joint Core Strategy (JCS) states that priority will be given to previously developed land. The NPPF classifies garden land as previously undeveloped and is therefore not a priority for development. Whilst this is so, the JCS defines Desborough as one of the 'Market Towns' due to its good level of services and public transport and promotes additional housing in these areas.

The existing garden of No.115 is reasonably large in size and considering its location along the side of the existing dwelling lends itself to development. An illustrative site layout has been provided by the applicant that outlines the intended composition of development upon the site, this shall be the subject of the detailed considerations outlined within the following sections of this report.

2. Design & Visual Impact

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Section 7 of the NPPF and Policy 8 of the JCS. Local Planning Authorities must seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Although the existing application site addresses both Dunkirk Avenue and Princes Avenue, the proposed dwelling will mainly sit within the street scene of Princes Avenue. Princes Avenue comprises a mix of detached and semi-detached two storey dwellings with a mix of external finishes. The majority of the dwellings have their front door on the principle elevation addressing the street scene and in the immediate vicinity of the application site have gable end roof structures which are orientated parallel with the road.

The proposed dwelling has undergone significant design revision during the application process taking into consideration both consultation comments and case officer guidance. The revised design has removed the double garages previously proposed and amended the design of the dwelling to a more traditional and simple layout which draws on elements from No.34 and No.36 which are located directly opposite the site of the proposed dwelling. These include the cills details, arched headers to first floor windows and brick eaves detailing.

Although the proposed dwelling fronts Princes Avenue, due to the location of the plot the proposed dwelling (particularly the flank gable end) will be highly visible from the junction and across Dunkirk Avenue. The proposal has a front building line which matches that of No. 37 Princes Avenue and houses further along the street and a design that will reflect the matching gable end feature with a similar room pitch and eaves height and a matching ridge height.

Concerns were raised by Desborough Town Council in regard to the original proposal being overdevelopment of the site. The original garages have been replaced with an open parking area to the south of the dwelling, this reduction

of build form along with the land remaining as private garden land for No.115 Dunkirk Avenue allow for a visual separation between the proposed dwelling and No.115 and reduce the bulk of the proposal.

The revised design is considered to respond well to the exist character of the area and will sit comfortably within the street scheme. A condition has been recommended that external materials are to be submitted and approved prior to development.

It is therefore considered that the proposal will not have a detrimental impact on the character and appearance of the local area and as such is in accordance with Policy 7 of the NPPF and Policy 8 of the JCS.

3. Residential Amenity

Paragraph 17 of the NPPF states that development must secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 8 of the JCS is clear that development must not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light, overbearing or overlooking.

The proposed dwelling will be sited within the existing garden space of No.115 Dunkirk Avenue. The new dwelling will be separated by a minimum of 10m from No.115, the only window on the first floor of the south facing side of the proposed dwelling serves a bathroom and a condition has been recommended that this window remain obscurely glazed and top opening only to protect the privacy of residents of No.115. Although this will be a reasonably close relationship the orientation of the new dwelling to the north of No.115 and the sensitive placement of window the close relationship is not considered to be of a level that would be unacceptable. Permitted development for the insertion of windows or openings has been removed by condition to safeguard the privacy of No. 115.

Due to the orientation of the proposed dwelling the rear windows will result in some overlooking of the rear gardens looking east along Dunkirk Avenue however is limited to the far end of the garden and within an urban setting such a relationship is not uncommon.

To the north of the proposed dwelling is the private drive for No.39. The bungalow of No. 39 is separated by a minimum of 24m and although the rear windows of the proposed dwelling face toward the bungalow, considering the separation distance and the existing building form present, the proposed dwelling is not considered to cause an undue loss of privacy that is unacceptable.

Alongside the access for No. 39 is No.37 Princes Street. There are no window proposed on the new dwelling which face north onto this property. No. 37 also has a single attached garage located between the house of No. 37 and the access road of No.39 and there are no windows on the south facing side elevation facing toward the application site.

It is noted that the proposed dwelling meets the Nation Space Standards in accordance with Policy 30 of the JCS.

Bearing the above in mind the proposal is not considered to have an unacceptable impact on amenity in terms of overbearing impact, overshadowing or loss of privacy to neighbouring properties and is therefore considered to be in accordance with Policy 8 of the JCS.

Due to the size of the plot and the surrounding built form a condition has been recommended removing permitted development rights from the proposed dwelling to protect neighbouring residents amenity.

4. Access & Parking

Policy 8 (b) of the JCS states that new development should not have an adverse impact on the highway network or prejudice highway safety.

Initial plans raised objections from both neighbouring occupiers and the Local Highways Authority (LHA), particularly in regard to the reduced visibility for the private drive of No.39 and on road parking issues.

Subsequently revised plans has been submitted which set the dwelling further back within the site and removed the proposed double garage (1 for each No. 115 and the proposed dwelling). This has been replaced with 2 off road tandem spaces for the proposed dwelling and 2 parallel spaces to serve No.115.

The revised scheme has been reviewed by the LHA who have no objection to the revised scheme on the basis that the parking is laid out in accordance with the plan, is hard bound and drains away from the highway.

As such the revised proposal is not considered to impact negatively upon highway safety in accordance with Policy 8 of the Joint Core Strategy.

5. Other Matters

Concern has been raised by a neighbour in respect to the original plans in regard to recycling and bin storage. The revised plans show direct access to the rear gardens from the parking area which will allow easily accessible storage of bins away from the highway.

Conclusion

The proposal is considered to satisfy national and local planning policy. It is appropriately designed and will not impact on the neighbouring properties. As such it is my recommendation that planning permission should be granted subject to the recommended conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Amy Prince, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: